

REMARKS

Claims 1-13, 16-23 and 25-27 are currently active.

New corrected drawings are enclosed, per the Examiner's request.

The Examiner has rejected Claims 1, 16 and 27 under 35 U.S.C. 112, second paragraph.

It is respectfully submitted these claims are clear and definite. These claims have the limitation of a source. Essentially any source that meets the limitation in the claims, is acceptable. The Examiner seems to be reading the specification into the claims. The source is in no way limited to element 20 and figures 6. In a preferred embodiment, to explain but one way to perform the claimed invention, the oven controlled oscillator does act as a source. This is more fully explained beginning on page 11, line 4 of the specification of applicants. In the preferred embodiment, upon a review of this section of the specification, the fact that the oven controlled oscillator is a stable frequency reference, is irrelevant, because its input is then operated upon as further described in the aforementioned section.

The Examiner has rejected Claims 1-4 and 16 as being unpatentable over Sutardja in view of Powell. Applicants respectfully traverse this rejection.

It is respectfully submitted that a review of column 6, lines 13-52 of Sutardja does not teach or suggest any type of filtering for jitter or filtering for wander. The Examiner admits that this is his interpretation. The Examiner is reading limitations of the claims in Sutardja where they are just not there. In fact, in the context of the teachings of Sutardja, it is for a high-speed timing recovery system with reduced latency. See column 1, lines 66 and 67. The purpose of the phase locked circuit that the Examiner relies on in column 6, lines 13-52 is for high-speed timing recovery with reduced latency period. The Examiner teaches that the timing circuit can be viewed as either a type I timing circuit, in which only phase correction occurs, or a type II timing circuit, which both phase correction and frequency correction occur. See column 5, lines 40-44. The Examiner is reminded that under patent law, teachings cannot be taken out of the context in which they are found. It is respectfully submitted that the Examiner is doing exactly that when he is interpreting the filters taught by Sutardja as being for wander and jitter.

In regard to the reference by incorporation to Powell, this is found in the background of the invention of Sutardja where 13 patents are cited, only for the proposition that they are phase-locked loop timing circuits. When reviewing Powell and column 1, lines

31-44, this is again part of the background of the invention of Powell. It simply identifies that jitter and wander are critical to the performance of a Sonet. It does not teach or suggest anything further in regard to filtering of jitter and wander. In fact, the purpose and context of Powell is to deal with the slow response times to phase changes, significant phase drift or MTIE that may occur in a Sonet network during holdover recovery. See column 2, lines 5-12. Basically, Powell teaches to acquire a second frequency from a first frequency of a reference signal with a phase locked loop 24. After the frequency is acquired, the interval register 39 of the phase locked loop 24 is loaded with the contents of the output frequency registers 34 of the phase locked loop 24. The phase detector 28 of the phase locked loop 24 is then realigned to the reference signal. To reiterate, there is no specific teaching or suggestion with respect to wander or jitter in Powell.

It is further submitted the Examiner is using hindsight to arrive at applicants' claimed invention with the applied art of record. The Examiner is using the limitations of applicants' claims as a road map to find all the different limitations in different references, and having done so concludes that applicants' claimed invention is arrived at. Here, not only is hindsight being used, but the limitations being interpreted as existing, are not actually identified in the prior art. Accordingly, it is respectfully submitted the applied art of record does not teach or suggest the limitations of Claims 1-4 and 16, these claims are patentable over the applied art record.

In regard to the rejection of Claims 25 and 26 as being unpatentable over Bedrosian in view of Sutardja and further in view of Powell, it is respectfully submitted that Bedrosian adds nothing to the relevant teachings discussed above in regard to Sutardja and Powell. For the reasons explained above in regard to Sutardja and Powell, Claims 25 and 26 are patentable over the applied art record.

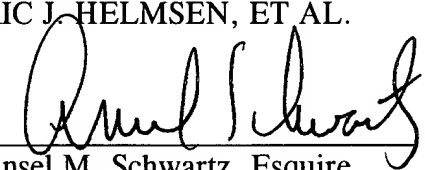
The Examiner has objected to Claims 5-13 and 17-23 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the foregoing remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-13, 16-23 and 25-27, now in this application be allowed.

Respectfully submitted,

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